

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
December 17, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, December 17, 2007 at 7:00pm, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Tommy Garner
Commissioner Chad Wagoner
Commissioner Brady Wooten

Staff present: County Manager, Eric Williams; County Attorney, James Graham; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chair Phillips at 7:02 pm

INVOCATION by James Graham

PLEDGE OF ALLEGIANCE led by Wesley Norman. Wesley is a Junior at Forbush High School and Vice President of his Junior Class. After graduation, he plans to attend North Carolina State University for pre-veterinary medicine. Wesley has been involved in the HOSA program and has participated in basketball, baseball, and track. Wesley reported that the teachers and staff of Forbush High School are caring and supportive leaders promoting a comfortable and positive atmosphere. In addition, Forbush High School strives to give back to the community with programs like Friends Feeding Friends, Angel Tree projects, Shoebox Ministries, and others. Wesley introduced his parents Rex and Gail Norman as well as his brother Nicholas. Wesley was also accompanied by the Forbush High School Principal, Jeff Wallace. Wesley thanked the Board for the opportunity to appear before them and lead the Pledge of Allegiance.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Both County Manager Williams and Clerk Brown had additional and revised documents for today's meeting.

Vice Chair Cornelius made a motion to accept the agenda with additional documents. Commissioner Garner second.

Commissioner Wooten made a motion to strike the reports by Lee McClure of Construction Control Corporation and Dan Mace of Moseley Architects on the basis of the recently filed law suit regarding improper zoning of the proposed jail site. Motion died for a lack of a second.

The original motion of Vice Chair Cornelius and Commissioner Garner was passed as follows:

Vote: 4/1 (Wooten against)

PUBLIC COMMENTS

Ann Long commented that although she was not a Yadkin native, she had lived in East Bend since 1985. Ms. Long stated that she came to East Bend because she treasured rural life and had been a contributing member of the East Bend community. Ms. Long felt that rural life embodied personal freedom, self-reliance, and the ability to solve conflicts without government intervention. Ms. Long spoke regarding a citation that had been recently issued for violation of the noise ordinance. After reviewing the ordinance and its contents, Ms. Long is concerned that the ordinance is too vague and can be interpreted in such a way as to jeopardize the freedoms of many citizens. Ms. Long felt that this particular situation involving the shooting of a rifle on a Friday afternoon was simply one neighbor harboring ill will against another. Ms. Long asked the Board to suspend or repeal the current noise ordinance until further concrete clarifications can be made.

Alice Singh appeared before the Board with an issue of a recent euthanization on owner-surrendered animals. Ms. Singh reported that on December 4, 2007 at 9:30pm, she received a call regarding 2 puppies and the mother dog that had been left at the shelter. Ms. Singh advised the caller to call the Animal Control office and the County Manager's office and leave messages at both places asking that the dogs not be put down and that she would take all 3 animals. Ms. Singh, herself, also left messages in those offices. Ms. Singh was unable to reach the Animal Control officer until mid-morning on Wednesday, December 5. Animal Control Officer, Jerry Hutchens reported that the mother dog appeared sickly and was put down. The puppies were available for pick up. Ms. Singh felt that this was a useless killing. Ms. Singh was upset that the County would not change their policies on owner-surrendered animals and the county would not assist rescuer groups. In her final comments, Ms. Singh reported that names and/or initials are required at any time there is medicine administered or a procedure performed.

APPROVAL OF MINUTES

Chair Phillips requested a change on page 4, last paragraph to read "short-sighted".

Vice Chair Cornelius made a motion to approve the following minutes with noted adjustment:

December 3, 2007 Regular Meeting

December 3, 2007 Closed Session

Commissioner Wooten second.

Vote: 5/0

PUBLIC HEARING

- (1) Planning & Development Director, Kim Bates, presented a staff report and Planning Board findings for a rezoning request of 48 acres on Bryant Road owned by Chris Childress.

Chris Childress, property owner and petitioner, appeared before the Board. Mr. Childress explained that he had recently bought this property from Jerry Bryant and is the single land-owner. He intends to farm the property.

There were no other speakers on this matter. Public Hearing portion ended.

Some discussion followed. It was determined that the land could be farmed under the existing RR zone. There would be a 1 year waiting period before the zoning could be re-petitioned.

Commissioner Wooten made a motion to approve the rezoning of the 48 acres of Chris Childress on Bryant Road from RR to RA. Vice Chair Cornelius second.

The Statement of Consistency was read and reviewed.

Commissioner Wooten adjusted his motion to include the Statement of Consistency. Vice Chair Cornelius adjusted his second to include the Statement of Consistency.

Vote: 5/0

[The Statement of Zoning Consistency is attached as Addendum A]

- (2) Planning & Development Director, Kim Bates, presented a staff report and Planning Board findings for a rezoning request of 9.45 acres owned by Carlton Sanders on Rock House Mountain Road.

Carlton Sanders, property owner and petitioner, appeared before the Board. Mr. Sanders explained that he inherited this property from his grandmother and would like to divide it into parcels for he and his 3 sisters.

There were no additional speakers at this time and the Public Hearing portion ended.

Some discussion among the Board and Director Bates followed. Commissioner Wooten asked why the Planning Board Chairman had voted "no" on this rezoning. Director Bates explained that Chairman Hennings voted no because both property owners did not file the petition.

There was an additional speaker on this issue.

Commissioner Wooten made a motion to reopen the Public Hearing. Vice Chair Cornelius second.

Vote: 5/0

Jackie Spivey, the aunt of Mr. Sanders, appeared before the Board. Ms. Spivey explained that the land had originally been willed to her nephew, Mr. Sanders and his sister. Ms. Spivey questioned the need for rezoning as opposed to Mr. Sanders simply deeding the land to his sisters. Director Bates answered that rezoning is required when rural agriculture zones are divided into more than 3 parcels. Director Bates also explained that Residential General (RG) allowed stick built, modular, double wide and single wide housing. Vice Chair Cornelius questioned access and easements to all 4 potential subdivisions. Director Bates

stated that that was not an issue for rezoning this particular piece of property, but would have to be considered when divided into sub lots.

Billy Harris is a property owner directly across the road from the property of Mr. Sanders. Mr. Harris stated that he had no problems with stick built homes in the area but did not want mobile homes in the neighborhood.

Public Hearing portion ended.

Commissioner Wooten made a motion to approve the rezoning request of Carlton Sanders property on Rock House Mountain Road from RA to RG. Commissioner Wagoner second.

The Statement of Zoning Consistency was read and reviewed.

Commissioner Wooten adjusted his motion to include the Statement of Zoning Consistency. Commissioner Wagoner second the adjustment.

Vice Chair Cornelius expressed his concern that the 2nd property owner did not also petition for rezoning.

Vote: 4/1 (Cornelius against)

[The Statement of Zoning Consistency is attached as Addendum B]

BOARD APPOINTMENTS

The Economic Development Council provided a list of potential appointees to the recently established Tourism Development Authority along with guidelines for appointments and terms. The following are the appointments by the Board:

Vice Chair Cornelius made a motion to appoint Rufus Brickey, Wayne Black, and Curt Bryant as lodging representatives. Commissioner Wooten second.

Vote: 5/0

Commissioner Wooten made a motion to appoint Lenna Hobson and Brenda Doub as the tourism representatives. Commissioner Garner second.

Vote: 5/0

Commissioner Wooten made a motion to appoint Wayne Matthews as the at-large representative. Commissioner Wagoner second.

Vote: 5/0

Vice Chair Cornelius made a motion to appoint Brenda Doub and Wayne Black to a 1-year term, Curt Bryant and Lenna Hobson to a 2-year term, and Wayne Matthews and Rufus Brickey to a 3-year term. Commissioner Wooten second.

Vote: 5/0

BOARD REPORTS/REQUESTS

Commissioner Wooten asked if the Board should enter a Closed Session to discuss a recent legal action against the county concerning the rezoning of the proposed jail site prior to hearing reports relating to jail matters. Attorney Graham offered that a Closed Session was not needed at this time and that reports could continue as scheduled.

Lee McClure, Construction Control Corporation, appeared before the Board proposing their services for construction management of the new jail. Mr. McClure provided background information on the company, services they can provide, outcomes and results of their services. Mr. McClure assured the Board that the services of Construction Control Corporation could limit Change Orders and result in net savings. Mr. McClure was accompanied by Ross Bush, President of North Carolina Operations. The Board held little discussion on this matter except that their services could be utilized regardless of the location of the jail. Decision on contracting with Construction Control Corporation was deferred to a future meeting.

Robert Smith, Moseley Architects, appeared before the Board regarding the proposed jail. Mr. Smith reported that all drawings are prepared and ready to be submitted to the appropriate state offices.

A motion to submit the jail drawings to the proper State agencies was brought forth by the Jail Committee and did not require a second.

Vote: 4/1 (Wooten against)

Chair Phillips called for a recess at 8:20pm. Meeting resumed at 8:35pm.

County Manager Williams brought forth a **RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AMENDING CERTAIN PROVISIONS IN THE COUNTY'S PERSONNEL RESOLUTION.**

Specific amendments include:

Pre-employment drug testing added

Post-accident drug testing added

Accumulation of Sick and Vacation Time during the first year of employment amended

Sick Leave Bonus deleted

New policies to be effective January 1, 2008. Vice Chair Cornelius requested the following clarification under post-accident drug testing: "Drug testing will be required after a work related vehicle, machinery, or equipment accident involving personal injury or property damage."

A motion to approve the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AMENDING CERTAIN PROVISIONS IN THE COUNTY'S PERSONNEL RESOLUTION was brought forth by the H.R. Committee and did not require a second.

Vice Chair Cornelius, a member of the H.R. Committee questioned the absence of new policy limiting the use of vacation time in 4 hour increments and sick time in 1 hour

increments as requested by the committee. Manager Williams explained that he had discussed this with various office staff and felt that there were other issues for discussion prior to placing it in policy. Vice Chair Cornelius did not feel the need for further discussion and requested that Manager Williams add this to the Resolution.

Vote: 5/0 (with noted additions and clarifications)

[The RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AMENDING CERTAIN PROVISIONS IN THE COUNTY'S PERSONNEL RESOLUTION is attached as Addendum C]

Solid Waste Director, Cheri Cranfill, presented updates on solid waste operations and the Solid Waste Committee. Commissioner Wooten added that there have been no concerns at the un-manned site. Director Cranfill pointed out that trash left after hours is examined and letters are sent to those individuals leaving trash. Tonnage amounts are up 8.3% from the previous year. Yadkin County pays \$43.07 per ton effective October and charges \$46.00. Director Cranfill is currently working on an arrangement to begin accepting green glass recyclables. In addition, Director Cranfill presented a holiday schedule for trash collection sites for 2008.

Commissioner Wooten made a motion to accept the holiday schedule. Vice Chair Cornelius second.

Vote: 5/0

[The 2008 Holiday Schedule for Trash Collection Site is attached as Addendum D]

Randy Darden, Arcadis Engineer, provided the following updates:

(1) Courtney Huntsville Waterline Extension – There was a great turnout for bids. Arcadis staff checked references and found the top 3 potential contractors had completed projects on time and with satisfaction. Arcadis recommends Spencer's Incorporated as the contractor. Manager Williams provided a revised list of secured easements dated December 14, 2007. Eleven of 27 letters have been received representing 17 of 34 parcels. Attorney Graham does not foresee any specific problems with those easements outstanding. However, Attorney Graham suggested that there may be some older citizens in this area and possibly some shut-ins. Mr. Darden recommended that staff visit each household to obtain the outstanding easements.

Chair Phillips made a motion to award the Courtney-Huntsville Waterline Extension to Spencer's Incorporated. Commissioner Garner second.

Vote: 5-0

Commissioner Wagoner questioned the significance of Spencer's Inc. "Doing Business As" Landform Construction regarding quality of work, change in ownership, and other possible factors that could influence their ability to complete a quality and timely project. Mr. Darden assured the Board that the DBA designation would have no bearing on their ability to complete the job and all references offered positive results.

Mr. Darden reported that he had been in contact with Economic Development Director, Bobby Todd and officials at Advantage Machinery. There are ED funds available to Advantage Machinery for water connection.

(2) Further discussions with DENR have delayed completion of the Highway 21 extension from Jonesville to West Yadkin. Completion is expected on that line within the first few weeks of January 2008.

(3) Mr. Darden recommended contracting with Jimmy R. Lynch and Sons for the Booster Pump Station. The estimated completion date on this project is March 2008.

Commissioner Wooten made a motion to award the contract for the Booster Pump Station to Jimmy R. Lynch and Sons for \$69,960. Commissioner Garner second.

Vote: 5/0

(4) Waterline from I-77 to Lydall had to be retested. Bacteriological results are pending.

(5) Hoots Road Sewer System is 35-40% complete. Installation of the pump stations will begin after the first of the year. The Department of Transportation has not given final approval to cross the bridge on Hoots Road. Mr. Darden hopes to have approval by the end of January. As the Hoots Road Sewer Project and the I-77 Project did not run concurrently as projected, additional inspection fees have been incurred. A lump sum fee of \$84,000 has been assessed.

Commissioner Wooten made a motion to approve the \$84,000 in additional inspection fees for Hoots Road Sewer System. Commissioner Garner second.

Vote: 5/0

(6) NC Rural Center Grants were completed and delivered on this date. Copies were provided to County Manager Williams. Arcadis is requesting \$18,000 in fees for grant processing, additional waterline meetings with the Town of Jonesville, and various other services.

Commissioner Wooten made a motion to approve the \$18,000 in additional fees to Arcadis for filing grant applications and various other services. Vice Chair Cornelius second.

Vote: 5/0

Commissioner Wooten made a motion to adopt the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AUTHORIZING AN APPLICATION TO THE NORTH CAROLINA RURAL CENTER FOR PLANNING GRANT *and* the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AUTHORIZING AN APPLICATION TO THE NORTH CAROLINA RURAL CENTER FOR SUPPLEMENTAL GRANTS *and* The Conflict of Interest Statement. Vice Chair Cornelius second.

Vote: 5/0

[RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AUTHORIZING AN APPLICATION TO THE NORTH CAROLINA RURAL CENTER FOR PLANNING GRANT is attached as Addendum E]

[RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS AUTHORIZING AN APPLICATION TO THE NORTH CAROLINA RURAL CENTER FOR SUPPLEMENTAL GRANT is attached as Addendum F]

BOARD ACTION

The Board reviewed a resolution transferring title of property owned by the Board of Education to Yadkin County for the purpose of securing financing for the new middle schools. Once loan has been paid in full, the title to property will return to the Board of Education.

Vice Chair Cornelius made a motion to adopt the RESOLUTION RELATING TO AN INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS. Commissioner Wagoner second.

Vote: 5/0

[RESOLUTION RELATING TO AN INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS is attached as Addendum G]

DSS Director, Eddie Wooten presented a budget amendment for \$91,800 additional state money received to be expended in various line items. Director Wooten reported that no new or additional county funds are involved. This action was previously approved by the DSS Board.

Commissioner Wooten made a motion to approve the DSS Budget Amendment. Vice Chair Cornelius second.

Vote: 5/0

[The Budget Amendment is attached as Addendum H]

Manager Williams presented a letter from NCDENR regarding an underground fuel tank at the current jail that is no longer in use. The letter sites a variety of violations addressed previously in an August 27, 2007 letter. After phone calls to Jenny Lilly, Environmental Specialist with the Division of Waste Management, it was determined that Yadkin County may choose 2 options: temporary closure or permanent closure. Manager Williams suggests budgeting for the permanent closure in the 2008-2009 budget and opting for the temporary closure at this time at a cost of \$1250.

Vice Chair Cornelius made a motion to approve the spending of \$1250 to complete a temporary closure of the underground fuel tank at the current jail. Commissioner Wooten second. Some discussion followed regarding the fuel that remains in the tank and Southern Pump and Tank Company selected to complete the work.

Vote: 5/0

MANAGER REPORTS/COMMENTS

Yadkin County has an existing agreement with Hoots Memorial Hospital to provide compensation for operating losses each fiscal year up to \$200,000. The recent audit revealed Medicaid losses over the last 5 years at \$2 million. Though there was no request in 2007, Hoots Hospital is asking for appropriate compensation of \$200,000 in January 2008. The Board agreed that this item should be budgeted each year. Manager Williams is uncertain if this amount was budgeted and may need to bring forth a budget amendment at the next meeting in January.

CALENDAR NOTES

Manager Williams referenced the calendar notes on the agenda.

Chair Phillips made note that the evening Board meeting for January would be moved to Tuesday, January 22, 2008 at 7:00pm due to the Martin Luther King Jr. Holiday closing of County offices.

Manager Williams presented data on a Local Leaders Academy.

COMMISSIONER COMMENTS

Commissioner Wagoner wished everyone a Merry Christmas.

Commissioner Wooten referenced a letter received from Attorney Ed Powell regarding the shooting of weapons in the Flint Hill area and asked Attorney Graham to address the issue. Vice Chair Cornelius reported that a citation had been issued and would be handled in district court. Chair Phillips added that she didn't feel the Powell letter warranted a response.

Commissioner Wooten asked Manager Williams when the audit results would be available. Manager Williams estimated that audit findings would be presented after the holidays.

Commissioner Garner reported his recent attendance at the Piedmont Triad Partnership meeting. Commissioner Garner presented a publication of the Partnership with full page representing Yadkin County; its golf courses, restaurants, motels, and vineyards. The Piedmont Triad Business publication has an additional article on Nano Tech Laboratories of Yadkin County.

Commissioner Garner wished a Merry Christmas and Happy New Year to all in the room.

Vice Chair Cornelius reported his attendance at the County Christmas Luncheon, along with Chair Phillips and Commissioner Wooten. Vice Chair Cornelius felt that the food was good and that county employees enjoyed the event.

Vice Chair Cornelius also wished everyone a Happy Christmas.

Chair Phillips made the following comments:

- (1) Chair Phillips wished everyone a Merry Christmas and a Happy New Year.
- (2) Chair Phillips congratulated IT Director, Chris Shugart for receiving certification as a Certified Government Chief Information Officer from the North Carolina School of Government. Director Shugart is 1 of 100 in the United States to receive this certification. Chair Phillips remarked that this is good for Director Shugart and good for Yadkin County.
- (3) Chair Phillips and Vice Chair Cornelius attended the meeting of the Jonesville Town Board on Monday, December 10. Both Board representatives expressed their concerns for Yadkin County's river rights. Chair Phillips added that the Board should pay close attention to this situation as it evolves.
- (4) Chair Phillips had a recent conversation with Joy Kay, owner of AOA signs. Mrs. Kay and her husband, Jerome, feel as though they were villainized when asked \$900,000+ for their building for a possible new jail site. Mrs. Kay offered that their AOA Signs building is over 8,000 square feet and would have to be replaced at equal size. \$900,000 would actually represent a loss for the Kays. Chair Phillips remarked that the Kays operated a local business that employed workers and contributed to the tax base and any harsh feelings toward the Kays was unfair.
- (4) Chair Phillips plans to attend the NACO meeting March 1-5, 2008. The regularly scheduled Board meeting for Monday, March 3 would need to be rescheduled. The Board discussed and agreed to reschedule for Thursday, February 28, 2008 at 9:00am.

Vice Chair Cornelius made a motion to enter Closed Session to confer with County Attorney on 2 litigations involving the County and possible property acquisition. Commissioner Wooten second.

Vote: 5/0

Commissioner Wooten made a motion to end Closed Session. Vice Chair Cornelius second.

Vote: 5/0

Vice Chair Cornelius made a motion to adjourn. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 11:17pm.

Prepared and Approved by Clerk to the Board